THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.23248 OF 2001

DATED: 04-07-2007

Between :

M/s. Shyamala Theatres, Jaggaiahpet, Krishna District, rep. By its Licensee Mr. M.Rama Brahmam .. Petitioner

And

1. The Films Division, Ministry of Information & Broadcasting, Govt. of India, rep. By its Branch Manager, Gandhi Nagar, Vijayawada., and Another. … Respondents

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ORDER :

When the matter is taken up for consideration, it is represented by the learned Counsel for the petitioner as well as the learned Standing Counsel appearing for the 1st respondent that the issue involved in this writ petition is squarely covered by the decision of the Division Bench of this Court in W.A.No.298 of 2001 and batch. The operative portion of the said judgment dated 21-8-2001 may be extracted hereunder :

> *"An agreement can be express or implied. If short films have been supplied to the appellants they would irrespective of the legal position are liable to pay the amount in question to the Films Division. Even if the conditions of the licence as contended by the appellants were found to be invalid, they would still be liable in terms of Sections 65 and 70 of the Indian Contract Act. In fact, on their own showing the appellants had also been paying the said amount after the decision of the Supreme Court. We, therefore, are of the opinion that the liability of the appellants has to be determined on resolution of the dispute as to whether short films had been supplied to them or not. Such dispute has to be determined in an appropriate forum and not in a writ proceeding. It is needless to say that the State cannot refuse to renew the cinematograph licences of the appellants unless conditions precedent therefor are not satisfied.*
>
> *These writ appeals and writ petitions are disposed of with the aforementioned directions and observations. There shall be no order as to costs."*

Since the learned Counsel for the respondents did not dispute the fact that the petitioner herein also stands on the same footing, the Writ Petition is disposed of in terms of the judgment of the Division

Bench extracted above. No costs.

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G. ROHINI, J.

Dt. 04-07-2007

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